

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 02-80713

PAUL SUMMERS CHAPMAN,

Defendant.

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**ORDER GRANTING DEFENDANT'S MOTION TO APPEAL *IN FORMA PAUPERIS***

Pending before the court is Defendant Paul Summers Chapman's "Motion and Affidavit for Permission to Appeal *In Forma Pauperis*." Pursuant to 28 U.S.C. § 1915, the court "may authorize the commencement, prosecution or defense of any suit, action or proceeding, civil or criminal, or appeal therein, without prepayment of fees." 28 U.S.C. § 1915(a)(1). But to avoid prepaying fees, a prisoner must "submit[] an affidavit that includes a statement of all assets such prisoner possesses that the person is unable to pay such fees or give security therefor. Such affidavit shall state the nature of the action, defense or appeal and affiant's belief that the person is entitled to redress." *Id.* Although the court may grant an application to proceed without *prepayment* of fees, a prisoner must eventually pay the full filing fee for the appeal within a time period calculated by the prisoner's financial ability to pay. 28 U.S.C. § 1915(b)(1).

Here, Defendant has filed a proper affidavit attesting to his inability to pay the filing fee, detailing the nature of his appeal through his attached appellate brief, and declaring his belief that he is entitled to redress. Defendant has also included an

"Inmate Statement" that lists a "6 Months Avg Daily Balance" of \$32.12. Defendant has provided sufficient documentation for the court to grant his application to proceed without prepayment of the filing fee for this appeal. 28 U.S.C. § 1915(a)(1).

For the reasons stated above, IT IS ORDERED that Defendant's "Motion and Affidavit for Permission to Appeal *In Forma Pauperis*" [Dkt. # 80] is GRANTED.

S/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: July 29, 2009

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, July 29, 2009, by electronic and/or ordinary mail.

S/Lisa Wagner  
Case Manager and Deputy Clerk  
(313) 234-5522